

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAMUEL TURNER POOLE,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 99-635-SLR
)	
STANLEY TAYLOR, and)	
RAPHAEL WILLIAMS,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR ENLARGEMENT OF
ONE DAY IN WHICH TO FILE DISPOSITIVE MOTION**

COME NOW the Defendants Stanley Taylor and Raphael Williams and hereby move this Honorable Court for an enlargement of one business day within which to file Defendants' motion for summary judgment and brief in support thereof. In support of this motion, the Defendants offer the following:

1. Plaintiff Samuel Turner Poole is a sentenced inmate incarcerated in Pennsylvania and under the supervision of the Pennsylvania Department of Correction at 1100 Pike Street, Huntingdon, PA, 1665-1112.
2. There is similarity of allegations in this case to those in *Hubbard v. Taylor*, C.A. No 00-531-SLR. Both cases have lengthy records, including opinions and remands from the Third Circuit Court of Appeals. The Defendants in *Hubbard* currently have a Renewed Motion for Summary Judgment pending before this Court. Drafting the brief in the instant action necessitates our addressing the relationship of the issues in both cases. This process has proven to be more time consuming and labor intensive than anticipated.
3. An enlargement of time by one day in which to file the dispositive motion and

accompanying brief will not cause harm or prejudice to the Plaintiff.

4. This is the Defendants' first request for an enlargement of time.
5. A form of order is attached to this motion that would grant the Defendants an enlargement of time by one business day until January 30, 2006, in which to file a response.

WHEREFORE, the Defendants respectfully request that this Honorable Court grant the Defendants' request for an extension of time and set the deadline for filing dispositive motions to January 30, 2006.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Richard W. Hubbard
Richard W. Hubbard, ID#2442
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
richard.hubbard@state.de.us

Attorney for the Defendants

Dated: January 27, 2006

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FOR THE DISTRICT OF DELAWARE**

SAMUEL TURNER POOLE)	
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Plaintiff,)	
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RAPHAEL WILLIAMS,)	
)	
Defendants.)	

LOCAL RULE 7.1.1 CERTIFICATION

The undersigned counsel for the Defendants files this certification in compliance with Rule 7.1.1 of the Local Rules of Civil Procedure and certifies that:

1. The plaintiff in this action is an unrepresented prisoner incarcerated at a Pennsylvania facility in Huntingdon, PA.
2. Since the plaintiff is not able to be reached by telephone and other short-term contact is impractical, counsel for the Defendants has been unable to reach an agreement on this motion for an enlargement of time.
3. The undersigned assumes that the motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

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RAPHAEL WILLIAMS,)	
)	
Defendants.)	
)	

LOCAL RULE 16.5 CERTIFICATION

In compliance with Local Rule of Civil Procedure 16.5, counsel for the
Defendants making the request for an extension of time files this certification and states:

I certify that I have sent a copy of this request for an extension of time to the Defendants
Stanley Taylor and Raphael Williams.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Richard W. Hubbard
Richard W. Hubbard, ID#2442
Deputy Attorney General
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Dated: January 27, 2006

Attorney for the Defendants

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SAMUEL TURNER POOLE

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C.A. No. 99-635-SLR

ORDER

This _____ day of _____, 2006, **IT IS HEREBY ORDERED** that the Defendants' Motion for Enlargement of One Day in Which to File Dispositive Motion is **GRANTED**, and the parties have until January 30, 2006, in which to file a dispositive motion and accompanying brief and affidavits.

United States District Judge

CERTIFICATE OF MAILING AND/OR DELIVERY

The undersigned certifies that on January 27, 2006, he caused the foregoing document to be delivered to the following person(s) in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

**Samuel Turner Poole
#BN-5599
PA Department of Correction
1100 Pike Street
Huntingdon, PA 1665-1112**

MANNER OF DELIVERY:

- ☐ One true copy by facsimile transmission to each recipient
- ☒ Two true copies by first class mail, postage prepaid, to each recipient
- ☐ Two true copies by Federal Express
- ☐ Two true copies by hand delivery to each recipient

/s/ Richard W. Hubbard
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Deputy Attorney General
Department of Justice
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